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Attorney Docket: 4306P

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NOV 19 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: November 19, 2008

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Jion CHEN et al.

Confirmation No: 8836

NOV 26 2008

Serial No: 09/513,396

Group Art Unit: 2881

OFFICE OF PETITIONS

Filed: February 25, 2000

Examiner: Paul M. GURZO

Title: APPARATUS AND METHOD FOR REDUCING ENERGY
CONTAMINATION OF LOW ENERGY ION BEAMS

Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED
PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT UNDER 37
CFR 1.378(c)**

With respect to the present application identified above, Applicant respectfully submits this renewed petition under 37 CFR 1.378(c) for acceptance of a delayed payment of: (1) maintenance fee balance of \$335.00 and (2) the renewed petition fee of \$400.00.

Copies of Previous Petition to Accept Unintentionally Delayed Payment Of Maintenance Fee In An Expired Patent Under 37 Cfr 1.378(C) fax-filed on April 18, 2008 and Decision on Petition mailed November 12, 2008 are attached herewith.

A Credit Card Payment Form PTO-2038, authorizing to charge \$735.00 of the maintenance fee balance and the renewed petition fee, is attached herewith as well.

Should any unresolved issues remain, please feel free to call the undersigned at the telephone number indicated below.

11/25/2008 DALLEN 00000110 6710358

01 FC:1559
02 FC:1462

335.00 OP
400.00 OP

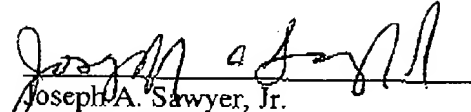
1

Attorney Docket: 4306P

Respectfully submitted,

November 19, 2008

Dated


Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
Attorney for Applicant
Reg. No. 30,801

(650) 493-4540 telephone
(650) 493-4549 fax



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SAWYER LAW GROUP LLP

SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD, SUITE NO. 406
PALO ALTO, CA 94303

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SAWYER LAW GROUP, LLP

In re Patent No. 6,710,358
Issue Date: March 23, 2004
Application No. 09/513,396
Filed: February 25, 2000
Attorney Docket No. 4306P

This is a decision on the petition under 37 CFR 1.378(c), filed April 18, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above.

With respect to item 2: The maintenance fee of \$465 is acknowledged as being received in the U.S. Patent and Trademark Office on April 18, 2008, however, this fee is insufficient because petitioner is no longer claiming small entity status. As of October 2, 2008, the current three and one half year maintenance fee is \$980. To satisfy the requirement of 37 CFR 1.378(c) the petitioner must submit (1) the maintenance fee balance of \$335; and (2) the renewed petition fee of \$400. A renewed petition cannot be considered until the outstanding balance of \$735 is paid.

Any petition for reconsideration of this decision must be accompanied by the **petition fee of \$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

U.S. Patent No. 6,710,358

Page 2

inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Diane Goodwyn at 571-272-6735.


Thurman Page
Petitions Examiner
Office of Petitions

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APR 18 2008FACSIMILE TRANSMITTAL
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jiong CHEN **Group Art Unit** 2881
Application No.: 09/513,396 **Examiner:** Paul M. GURZO
Filed: February 25, 2000
Attorney Docket No.: 4306P
Title: APPARATUS AND METHOD FOR REDUCING ENERGY
CONTAMINATION OF LOW ENERGY ION BEAMS
Date: April 18, 2008
To: United States Patent and Trademark Office
MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
From: Joseph A. Sawyer, Reg. No. 30,801
Fax Number: (571) 273-8300
Phone Number: (571) 271-4000

Attached:

- This Facsimile Cover Sheet
- Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent
- Credit Card Payment Form PTO-2038 - \$2,105.00 Authorization

Customer Number 29141

(650) 493-4540 Telephone
(650) 493-4549 Facsimile
sawyer@sawyerlawgroup.com

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at (571) 273-8300, on April 18, 2008.


Shana Haack

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))		Docket Number (Optional) 4306P
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Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,710,358 Application Number 09/513,396
Issue Date 03-23-2004 Filing Date 02-25-2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

Signature

Typed or printed name of person signing Certificate

04/29/2008 SSANDARA 00000005 6710358
01 FC:1335 2105.00 00

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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www.FormsWorld.com

PAGE 2/5 * RCVD AT 4/18/2008 8:03:32 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/27 * DNIS:2738300 * CSID: * DURATION (mm-ss):01:24

PAGE 7/9 * RCVD AT 11/19/2008 7:51:55 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-6/5 * DNIS:2738300 * CSID:1 650 493 4549 * DURATION (mm-ss):01:34

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7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No. _____
OR
☐ Send refund check.

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Joseph A. Sawyer, Jr. April 18, 2008
Signature(s) of Petitioner(s) Date

Joseph A. Sawyer, Jr. 30,801.
Typed or printed name(s) Registration Number, if applicable

(650) 493-4540
Telephone Number

2465 E. Bayshore Road, Suite 406
Address

Palo Alto, CA 94303
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☒ Maintenance Fee payment
☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐ _____

(Page 3 of 3)

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ 465.00	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 465.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(f)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____.
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.
- ☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 02-2120. A duplicate copy of this authorization is attached.

(Page 2 of 3)

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PAGE 4/5 * RCVD AT 4/18/2008 8:03:52 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/27 * DNS:2738300 * CSID: * DURATION (mm-ss):01:24

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**FACSIMILE TRANSMITTAL
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jion CHEN et al. **Group Art Unit**
Application No.: 09/513,396 **Examiner:**
Filed: February 25, 2000
Attorney Docket No.: 4306P
Title: APPARATUS AND METHOD FOR REDUCING ENERGY
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To: United States Patent and Trademark Office
MAIL STOP PETITION
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From: Joseph A. Sawyer, Reg. No. 30,801
Fax Number: (571) 273-8300
Phone Number: (571) 272-6735

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- Renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent
- Copy of Decision on Petition
- Copy of Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent faxed April 18, 2008
- Credit Card Payment Form PTO-2038

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Dilora Haddad

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